

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

UNITED STATES OF AMERICA)	
)	CRIMINAL ACTION NO.
v.)	2:17cr121-MHT
)	(WO)
TONY DORSETT SMITH)	

FINAL ORDER OF FORFEITURE

On August 7, 2017, this court entered a preliminary order of forfeiture (doc. no. 24) ordering defendant Toney Dorsett Smith to forfeit his interest in the following property: a HS Products (IM Metal), model XD MOD. 2, .40 caliber pistol, bearing serial number GM127498, and miscellaneous ammunition.

Publication of notice was not required pursuant to Rule G(4)(a) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions as the property is worth less than \$1,000 and the only potential claimants were defendant and Charlesalyn Lebrae Smith. The government gave the defendant notice in the indictment (doc. no. 1) that it would seek the forfeiture of all property involved in the commission

of the offenses in violation of 18 U.S.C. § 922(g)(1). Further, defendant consented to the forfeiture of the property in his plea agreement (doc. no. 19, p. 4).

On August 9, 2017, notice of this forfeiture was served by certified mail upon Charlesalyn Lebrae Smith (doc. no. 25).

The court finds that defendant Toney Dorsett Smith has an interest in the property that is subject to forfeiture pursuant to 18 U.S.C. § 924(d)(1) by 28 U.S.C. § 2461(c). The United States has established the requisite nexus between such property in the commission of the offenses in violation of 18 U.S.C. § 922(g)(1).

Accordingly, it is ORDERED that the United States' motion for a final order of forfeiture (doc. no. 31) is granted as follows:

1. The following property is hereby forfeited to the United States pursuant to 18 U.S.C. § 924(d)(1) by 28 U.S.C. § 2461(c): a HS Products (IM Metal), model

XD MOD. 2, .40 caliber pistol, bearing serial number GM127498, and miscellaneous ammunition;

2. All right, title and interest to the property described above is hereby condemned, forfeited, and vested in the United States, and shall be disposed of according to law;

3. The United States District Court shall retain jurisdiction in the case for the purpose of enforcing this order; and,

4. The clerk of the court shall forward a certified copy of this order to the United States Attorney's Office.

DONE, this the 8th day of November, 2017.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE